STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

COURTLAND T. KELLEY,

Plaintiff,

Case No.: 02- -CL??

vs

HON.

GENERAL MOTORS CORPORATION,

Defendant.

_____/

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_____/

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint.

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

COMES NOW COURTLAND T. KELLEY, Plaintiff herein, and files this, his Complaint for Damages and Injunctive Relief, showing the Court as follows:

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INTRODUCTION

Plaintiff brings the instant lawsuit to redress actions taken against him pursuant to an intracorporate policy of Defendant General Motors Corporation (hereinafter, "GM") to deliberately ignore significant safety problems in the manufacture of Defendant's vehicles in North America, which were identified by Plaintiff and others working with him. Despite Plaintiff's repeated attempts to engage GM in a dialogue and systemic corrective measures concerning failures of critical safety fasteners in new vehicles identified by Plaintiff, his predecessor manager, and his staff in GM's Global Delivery Survey ("GDS"), a quality assurance program of which Plaintiff was in charge, the company professed concern but deliberately did not address these potentially lethal critical safety fastener issues. Plaintiff repeatedly told GM that in the event that the documented safety concerns were not addressed, he would report the manufacturing defects of which he was aware to the U.S. National Highway Traffic Safety Agency (hereinafter, "NHTSA").

As a result of Plaintiff's repeated expressed concerns about the safety of GM's consumers and other drivers who could be injured by documented safety defects, GM took a number of adverse employment actions against Plaintiff which are set forth fully below. Plaintiff shows that his primary concern has always been for the safety of the general public; he was about to report to NHTSA on many occasions during his attempts to have GM correct this critical safety problem, and he has been impugned for these pure motives by the company. Plaintiff shows that in the last few years, he has been subjected to adverse employment actions because of his expressed concerns for the safety of GM's customers and other drivers who could be injured or killed by the defects identified in Plaintiff's GDS audit. GM has admitted that its management has retaliated against Plaintiff because of his relationship with William J. McAleer, his former supervisor, and the implementor of the GDS audit, the details of which are set forth below.

PARTIES

1.

Plaintiff is Courtland T. Kelley. He has been an employee of Defendant for approximately 20 years. Plaintiff is and was at all times relevant hereto a citizen of the state of Michigan.

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2.

Defendant General Motors Corporation is a Delaware corporation doing business in the state of Michigan and having its principal place of business in the state of Michigan. It may be served with process by delivering a copy of Summons and Complaint to its registered agent for service of process, The Corporation Company, 30600 Telegraph Road, Bingham Farms, Michigan 48025.

JURISDICTION

3.

Jurisdiction is conferred upon this Court by Mich. Comp. Laws §15.363(2). Venue is proper in this Court, pursuant to that same statute.

FACTS

4.

Plaintiff Courtland Kelley has been employed with General Motors for twenty (20) years. Throughout his employment with the company and his ascension into its management ranks, Mr. Kelley has received the highest performance evaluations and other awards available to a General Motors employee. At no time has Mr. Kelley received any significant criticism of his work performance.

5.

Since 1989, Plaintiff has been responsible for various quality assurance ("QA") projects within General Motors. He was ultimately made manager of GM's national end-product QA internal audit, its "Global Delivery Survey" which involved a drive of randomly selected new vehicles that were selected at various railroad yards to check for various defects that could lead to consumer dissatisfaction. The GDS audit was developed by Plaintiff's predecessor and mentor, Mr. William J. McAleer, who was removed from the direction of the audit in or about December of 1998, because of his protests regarding GM's failure to address critical safety fastener concerns and his belief that GM's inaction would result in serious bodily injury or death to the drivers and passengers in the vehicle in question, as well as surrounding motorists, passengers, or pedestrians.

6.

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Assignment to the GDS audit team was an unattractive one for many reasons. The assignment required near constant travel and work assignments in the most extreme weather conditions. As a result, Plaintiff requested of his then-supervisor, Mr. George Kingston, that he be considered for promotion away from the GDS audit in or about 1997.

7.

In early 1998, ultimate management of the GDS audit was taken over by incoming Mr. Tom LaSorda, the new manager of a newly blended group, Quality Reliability and Competitive Operations Implementation, "QRCOI," which was concerned, at least theoretically, with vehicle production quality, as well as cost-cutting measures in the manufacture of GM vehicles.

8.

In or about June of 1998, Mr. LaSorda requested of Plaintiff that he assume management of the GDS audit, as its manager, Mr. William McAleer, was to be reassigned. Although Plaintiff was reluctant to assume the management of the audit, he agreed, based, at least in part, on representations that he would receive a promotion to a higher management assignment within GM thereafter. Plaintiff accepted the assignment with the understanding that his commitment to the position would be for two (2) years.

9.

In or about October of 1999, Plaintiff's former supervisor, Mr. William McAleer filed suit against GM for violation of the Michigan Whistleblower's Protection Act, among other alleged torts (hereinafter, "the McAleer litigation"). The basis for Mr. McAleer's suit was that he had attempted to have certain systemic serious safety defects in newly manufactured vehicles that were being detected by the GDS audit remedied within the corporation. Failing that, Mr. McAleer repeatedly threatened to go to various high level executives within GM, to the federal government, and to GM legal. Thereafter, Mr. McAleer was assigned to a job with no responsibilities and essentially frozen out of the GM corporation.

10.

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In the spring of 2000, the defect situation still unimproved despite certain alleged remedial measures put in place by Messrs. LaSorda and Kingston, Plaintiff threatened to approach the appropriate federal authorities concerning the serious safety defects that continued to occur and be detected on the audit. In or about May of 2000, Mr. George Kingston, Plaintiff's immediate supervisor, implied to Plaintiff that if he were to contact the authorities, there might be adverse consequences to Plaintiff and his career.

11.

In or about June of 2000, Plaintiff was deposed in the McAleer litigation, as was Mr. Kingston. In his deposition, Mr. Kingston admitted having threatened Plaintiff if he elected to report the serious safety defect situation to authorities. In his deposition, Plaintiff explained that his belief that the appropriate body to whom he had threatened to report GM and its ongoing defective vehicle output and coverup was the National Highway Traffic Safety Administration ("NHTSA").

12.

In or about September of 2000, Mr. Kingston told Plaintiff that he had been unable to find a suitable position for Plaintiff outside of the Quality and Reliability group. Kingston told Plaintiff at that time that he was happy to have Plaintiff remain as manager of the GDS railhead audit.

13.

On or about September 11, 2000, Mr. Kingston approached Plaintiff and asked to meet with him. Mr. Kingston instructed Plaintiff that he was not to give Mr. McAleer any information regarding GDS and serious qualiting incident ("SQI") data regarding defects that were being detected on the audit. Mr. Kingston indicated that he had just retuned from a meeting in which depositions taken in the McAleer litigation and questions being posed to GM by the media about that litigation had been discussed. Mr. Kingston told Plaintiff that high level GM staff and the company's general counsel were involved in the teleconference and that these individuals were irate at times in the meeting. Mr. Kingston told Plaintiff that while he personally had no plans to make things difficult for Plaintiff, higher-ranking executives might want to make things difficult for Plaintiff after the McAleer litigation was over. Mr. Kingston told Plaintiff that he was personally concerned that he (Kingston) would be placed on "second shift at

Hamtramck (a Cadillac plant in Michigan)." Plaintiff responded that he could only have told the truth in his deposition, with which Mr. Kingston agreed. Mr. Kingston said that he wanted to concentrate his efforts to find Plaintiff a new position before Plaintiff's name was bandied about too much in the corporation.

14.

In October of 2000, Mr. Dennis Russell, a member of the GDS audit team and Plaintiff's immediate subordinate, complained to Plaintiff that he was distressed that several serious safety defects had not been classified as "SQI's" by the company. Specifically, Mr. Russell mentioned a loose tie rod the team had identified at the Lordstown plant, a lose torsion bar at Pontiac East, and a loose shock absorber at Arlington.

15.

Also in October of 2000, Mr. Bob Kouri, GDS auditor, informed Plaintiff that Plaintiff would not be involved in the audit as of January 1, 2001. He told Plaintiff that he had learned of this upcoming change while at GM's Truck Product Center. When Plaintiff called Mr. Kingston to verify this rumor, Mr. Kingston denied its accuracy.

16.

In November of 2000, at a GDS audit at the Flint truck plant, a manager told Plaintiff that he had heard that Plaintiff was "in a lot of trouble." He said he had heard that "they want to string you up." When Plaintiff asked why management would want to do such a thing, he was told that it was due to the McAleer litigation.

17.

On or about November 8, 2000, Plaintiff had an interview with Mr. Keith McKenzie, Director of Car Brand Quality, regarding the possibility of a Brand Manager's position. Mr. McKenzie indicated that he had been contacted by Mr. Don Mitchell, formerly a nemesis of the GDS audit, concerning finding Plaintiff a position. Plaintiff went to Mr. Kingston that same day and asked when Mr. Mitchell had approached Mr. McKenzie. Mr. Kingston responded that it had been within the last month, and he did not want Plaintiff to know about Mr. Mitchell's involvement. Mr. Kingston indicated that Plaintiff

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needed Mr. Mitchell's influence to help find him a position. Plaintiff told Mr. Kingston that he had been hearing rumors of his imminent removal from GDS. Mr. Kingston denied that any such decision had been made, and he told Plaintiff that had he wanted to take any adverse action against Plaintiff, he would have done so a long time previous. Plaintiff responded that he did not want to create the perception that he was being forced out of his position.

18.

On November 9, 2000, Plaintiff heard yet another rumor that he would not be involved in the audit after the New Year.

19.

On or about November 22, 2000, Plaintiff was contacted by Mr. Ron Porter of GM's legal department. Mr. Porter informed Plaintiff that his deposition had been requested in the matter of Eugene Harsh, et al v. General Motors Corp., et al., a products liability action involving a Chevrolet Lumina which burned following a collision. Mr. Porter informed Plaintiff that the plaintiffs in the Harsh litigation were alleging that a clamp in the vehicle's fuel line was either missing or improperly torqued. When Plaintiff asked why he was involved, Mr. Porter responded, "Bill McAleer probably fingered you." When Plaintiff asked in how many cases he might be expected to testify, Mr. Porter responded that while he should not expect to become a member of the "frequent witness club," the possibility of additional depositions did exist. Plaintiff told Mr. Porter that he had no choice but to tell the truth, and he expressed concern that giving testimony would not be good for his career. Mr. Porter said he knew and understood that but, because of Plaintiff's involvement in the audit, he would be unable to prevent the deposition.

20.

On or about December 11, 2000, Mr. Kouri informed Plaintiff that he would no longer be part of the audit after February 1, 2001.

21.

On or about December 15, 2000, Plaintiff was speaking with Mr. Kingston regarding the McAleer litigation. In that meeting, Kingston said that Plaintiff was "not completely clean." He said

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that Mr. Kent Sears, Vice President of Quality and Reliability (and Mr. LaSorda's replacement) was stepping up his efforts to find Plaintiff another position.

22.

In February 2001, Plaintiff met with GM's inside and outside counsel to prepare for his deposition in the Harsh litigation.

23.

From October 2000 through August of 2001, Plaintiff and Mr. Kingston had ongoing discussions regarding Plaintiff's potential advancement to an unclassified management position and Mr. Kingston's efforts to find such a position for Plaintiff. In one such discussion, Mr. Kingston informed Plaintiff that he could not be reassigned to Supplier Quality, because that was the division to which Mr. McAleer had been assigned after his removal from the GDS audit in 1998, implying that Mr. McAleer's actions to this time had tainted GM's potential judgment of Plaintiff's future job performance and objectivity. Later on in this time period, Mr. Sears became active in attempting to locate a position for Plaintiff. Mr. Sears even considered a "functional transfer," allowing the budget for Plaintiff's position to be transferred to another division, in order to facilitate Plaintiff's transfer away from GDS.

24.

In early June of 2001, the GDS team identified a vehicle having lose axle hub bolts at the company's Ste. Therese plant in Canada. Implementation of the SQI process indicated that this particular defect had been identified within the preceding month at the plant. A canvas of the vehicles on hand at the plant resulted in identification of three more vehicles having the same defect.

25.

After the defect incident at Ste. Therese, Plaintiff met with Mr. Kingston and inquired whether a recall was required, because of the repeat nature of the defectively torqued bolts. Mr. Kingston responded that he would turn the situation over to the Field Product Evaluation division for that determination. Mr. Kingston told Plaintiff that GM's Ste. Therese and Baltimore plants did not drive their vehicles over a "bump track," such as the one used by the GDS auditors in the railyards, because of the projected life spans of those two plants.

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26.

In a subsequent meeting on June 14, Mr. Kingston informed Plaintiff that axle fastener problems had been occurring two weeks before the defective vehicle from Ste. Therese had been identified by the GDS auditors. In that meeting, Plaintiff asked Mr. Kingston for information concerning the new national TREAD Act, passed in response to the Ford/Firestone rollover scandal and recalls.

27.

In September of 2001, Mr. Kingston transferred away from Quality and Reliability. Mr. Mitch Thomas became Plaintiff's immediate supervisor. At the time of his departure, Mr. Kingston apologized to Plaintiff for not having secured him another position, as he had promised to do.

28.

On or about October 22, 2001, Plaintiff had his first meeting with Mr. Thomas, in which Mr. Thomas reported to Plaintiff that Mr. Sears had told him that Plaintiff had performed well as manager of GDS. In that meeting Mr. Thomas told Plaintiff that he would not have a position as of January 2, 2002, as his responsibilities were to be transferred to Mr. Mike Schweitzer, who was to manage the new audit, Shipping Priority Audit ("SPA"). Mr. Thomas told Plaintiff that he and Mr. Sears would work in concert to locate Plaintiff a new position, and if they could not find one, he would be placed on "special assignment." "Special assignment" is a term of art within GM, meaning that an individual is undesirable and essentially has no real job responsibilities. Plaintiff was told by Mr. Kingston on more than one occasion that he was not considered for particular assignments because of his association with Mr. McAleer.

29.

On or about October 30, 2001, Plaintiff had a conversation with Mr. Ernie Stuart, who was ultimately responsible for taking over part of Plaintiff's responsibility as manager of the GDS audit, at the New Boston, Michigan railyard. Mr. Stuart asked Plaintiff why management was treating Plaintiff "like shit." When Plaintiff asked what he meant, he said that he had observed that Plaintiff was not being informed of planned changes in personnel, was being excluded from meetings, and was not being consulted of upcoming changes in the audit. Plaintiff responded that management was angry with him

because of statements he had made regarding GM's continuing to ship dangerously defective vehicles to customers.

30.

During October and November of 2001, Plaintiff became aware that certain of GM's upper production management had requested that certain SQI items be removed from the GDS audit data. This tampering with audit data was completely contrary to company policy. When Plaintiff reported this to Mr. Schweitzer, Mr. Schweitzer said that he would fight alteration of the data "tooth and nail" and expressed his concern that he might "end up in the same place you are."

31.

In or about November of 2001, Plaintiff became aware of an increasing number of repeat failures of the fuel delivery systems across a variety of model lines. Because the gasoline in the vehicle is pressurized while it is in operation, a separation of a fuel line connector can cause large amounts of gasoline to be discharged underneath the vehicle quickly, creating an extreme danger of fire. When Plaintiff followed up with Mr. Gary Sikoway, the Quality Manager responsible for the Saturn L-Series, he said that we must get together to apply pressure to GM engineering and its Field Product Evaluation division, because the fuel coupling ("quick connect") system was unreliable and must be addressed. Mr. Sikoway indicated that he could not tolerate GM turning its customers into "crispy critters." In that conversation, Plaintiff said that he intended to take all possible actions to address the fastener defect problem, including going to GM's legal department. By early November, GM was on notice that there was no adequate way to diagnose or prevent the quick connect fuel leaks without adding additional fuel line clips.

32.

On or about November 7, 2001, Plaintiff left a voicemail message for Messrs. Mitch Thomas and Stan Buckrek, who was responsible for management of the SQI internal information process. That the fuel leak problem was an emerging crisis requiring immediate action. Plaintiff stated in his message that the fuel line connector system had been an ongoing problem since 1997. When Mr. Thomas responded and asked for guidance, Plaintiff suggested that Field Product Evaluation should be consulted for a

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"containment plan," i.e., one that would prevent the distribution of any more vehicles having loose fuel line connections.

33.

That same day, Plaintiff received information on yet another fuel leak that had been detected on the audit. The defective fastener was at the fuel pump, a recurring problem in the manufacture of a number of vehicles originating from different plants. Plaintiff then sent an email message to Field Product Evaluation regarding the expanding crisis with the fuel system fasteners and the immediate need for GM to address the problem.

34.

On November 8, 2001, Mr. Thomas contacted Plaintiff and informed him that he had located four possible new positions for Plaintiff.

35.

Also on November 8, Plaintiff sent another email message to Mr. Ron Porter of GM legal in which he stated that he believed the fuel system defect problem had become a crisis and it was urgent that immediate action be taken. In his message, Plaintiff reiterated that the fuel line fastener issue had been ongoing since 1997, and he asked Mr. Porter to assist him in ensuring that the correct personnel were involved to rectify the situation in order to protect the company and its customers. Mr. Porter contacted Plaintiff, and the two discussed various legal issues, including the requirements of the TREAD Act about which Mr. Porter promised to provide Plaintiff information. Plaintiff told Mr. Porter of his concerns about the safety of drivers and passengers of vehicles having these defective fuel fasteners, and he told Mr. Porter that he believed that the fuel line system must be redesigned. When Plaintiff pointed out that the fuel line defects had been a problem since 1997, Mr. Porter responded that the quick connect fasteners had been in use since 1991 and there had been some initial installation operator-related problems with the fuel line system. Mr. Porter said that a method of pulling manually on the lines and checking positive feedback of the connection had solved the problem. Plaintiff responded that that testing method had not solved the problem, as had been confirmed by several members of GM

operations management. Plaintiff insisted that the only realistic remedy was a redesign of the fuel line system.

36.

Also on November 8, Plaintiff was contacted by GM legal regarding his request for information regarding the reporting requirements of the TREAD Act. Plaintiff was told by Mr. Ron Porter from GM legal that he personally had no obligation to report defects to NHTSA; however, he was also told that GM must inform the Agency once a defective situation was resolved.

37.

Also on November 8, Plaintiff was involved in a conference call with a number of other members of GM's senior management concerning the fuel fastener problem. In that meeting it became clear that the component parts of the fuel line quick connect fasteners of the GM Truck 360 fuel line quick connect fasteners were not of the proper sizes to ensure a fit that would not rupture the connection under pressure. In this call and several others that followed shortly thereafter, management discussed various steps to take to attempt to resolve the fuel system fastener issue. Ultimately, as set forth below, GM's internal efforts to resolve this fuel leak situation were insufficient to resolve an ongoing seriously defective and hazardous situation.

38.

In the early to middle part of November of 2001, defects in the fasteners of the fuel systems of various models continued to be identified by the GDS audit team. In the ongoing discussions involving the supplier quality problem of the parts of the quick connect fasteners, it also became evident that the integrity of the fasteners in the fuel line system could give way at any time as a result of any number of stressors. In other words, a vehicle manufactured by General Motors having this quick connect fastener system could begin spewing gasoline while being driven with no warning, and no diagnostics could predetermine the likelihood that a fastener would fail. Plaintiff later learned of several other fuel line fastener defects that had been identified on the railhead audit in Tampa. Again, these vehicles were manufactured at various GM plants and were across model lines.

39.

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On November 14, 2001, in a conference call, Mr. Jerry Gibbs, Director, admitted that it was highly unlikely that the defects identified on the audit were the only ones that had been assembled by GM, in other words, that non-diagnosed defective vehicles were being released into the market. The nature of the discussion then turned to a manner in which to identify the appropriate "population" for a recall or other corrective action.

40.

On or about November 19, 2001, Plaintiff informed Mr. Don Nelson, Brand Quality Manager, of two more fuel delivery system fastener failures, each vehicle originating from a different GM plant. In that conversation, Plaintiff asked Mr. Nelson if there were plans to change the design of the connection system to prevent such decouplings in the future, and Mr. Nelson responded that no such plans were in place.

41.

On or about November 20, 2001, Plaintiff received a call from Mr. Thomas regarding a potential new position. When Plaintiff contacted the official to whom he had been referred, he was told that no job was available. He told Plaintiff that Mr. Sears had specifically requested that he meet with Plaintiff to see if some job for Plaintiff could be located. He also told Plaintiff that Mr. Sears had offered to authorize the release of the budgeted funds for Plaintiff's Level 8 position to transfer him out of Quality and Reliability. Such an arrangement is known as a "functional transfer," a method by which GM relocates "problem" employees to other divisions that have no other incentive to receive them.

42.

On or about November 21, 2001, Plaintiff was paged by Ms. C. J. Martin of GM's Product Investigation division. Ms. Martin requested to know "all [Plaintiff] kn[e]w" about fuel leaks. Plaintiff told Ms. Martin that he had data concerning all fuel leaks that had been identified on the GDS audit. Ms. Martin told Plaintiff that she was not satisfied with the investigation of the fuel leak problem that had been conducted thus far by the company; she told Plaintiff that it was her intention to have her division, Product Investigation, take over the investigation from Field Product Evaluation. Ms. Martin also told Plaintiff in that conversation that the identification of too many fuel system leaks could involve

NHTSA, and the company must be careful in that regard. Plaintiff told Ms. Martin that he had had a considerable amount of difficulty having the fuel leak issue raised to management and responsibility levels he believed to be appropriate under the circumstances for investigation and redress. Plaintiff also told Ms. Martin that he believed that all quick connect fasteners should be changed on all affected vehicle lines. Ms. Martin assured Plaintiff that the entire issue had, at that point, been reported to the appropriate level and would be thoroughly investigated.

43.

In a subsequent telephone conference, members of GM's quality and operations management expressed concern that if the "pull test" the company had identified to address the fuel fastener leak situation were officially put in place, GM would ultimately be required to issue a "service bulletin" to be sent to its plants and dealers, which would have to be supplied to NHTSA. These expressions of concern were nothing other than a veiled effort on the part of the company to ensure that the federal government was not timely notified of the ongoing fuel fastener problem. On or about November 21, 2001, Plaintiff learned that the GDS data that had been forwarded to Ms. Martin did not accurately reflect the number of fuel fastener defects that the audit had detected the previous two years. Plaintiff subsequently verified with Mr. Stan Bucrek, manager, that Ms. Martin had only been given portions of the GDS' overall data on these defects, i.e., that it had been limited to certain plants for which she had specifically requested defect data.

44.

On or about November 26, 2001, Plaintiff learned that a number of employees from the GDS audit were not to be continued on the SPA audit in 2002, allegedly because certain members of plant operations management who had been extremely critical of the GDS audit in the past did not want any "left over" GDS personnel involved in the SPA's audit function.

45.

Throughout late November of 2001 and into December, Plaintiff was involved in conference calls concerning ongoing defective fuel line fasteners and potential ways to correct the situation. On information and belief, GM had not contacted NHTSA regarding the problem by this time, and the

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company continued to avoid sending an administrative message to its dealers, because such a message would have had to be made available to NHTSA. Plaintiff is aware of this ongoing evasive behavior through his participation in meetings discussing the continuing identification of defects and whether GM had an affirmative obligation to report these defects to the federal government, i.e., NHTSA.

46.

On or about November 29, 2001, Plaintiff interviewed with Service Parts Operations ("SPO"). Initially in the interview, Mr. Craig Weierhauser asked Plaintiff what he knew about the necessity for Plaintiff to locate a new position and referred to Plaintiff as "fallout from the Bill McAleer issue." At Mr. Weierhaser's inquiry, Plaintiff indicated that he would not relocate out of the state of Michigan, because of its whistleblowers' protection laws. Mr. Weierhauser indicated that Plaintiff was an attractive candidate, because his headcount (the budget for Plaintiff's salary and benefits) would travel with him to another division. All three individuals in the interview indicated that no job was available for Plaintiff, but they were interviewing him to see if they could create a job for him, given the available headcount budget.

47.

The day following his SPO interview, Plaintiff followed up with Mr. Thomas and asked him why he was being forced out of Quality and Reliability. Plaintiff acknowledged that he had much earlier requested of George Kingston to be transferred; however, he and Mr. Kingston had never discussed the possibility that Plaintiff might be forced out of his GDS management position and into a nonexistent job. Mr. Thomas denied having any knowledge that no position was available in SPO as well as any knowledge of Plaintiff having been perceived to be "fallout" from the McAleer litigation. Plaintiff then requested a meeting with Human Resources to discuss his future assignment.

48.

On or about December 6, 2001, Plaintiff received a message from Mr. Dennis Russell that improperly fastened hood pivot bolts at the Janesville plant were not SQI's, because the hood would remain in place despite the improperly torqued bolts. This was contrary to SQI protocol.

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On or about December 10, 2001, Plaintiff met with Mr. Jim Miller from Human Resources. Plaintiff asked why he was being forced out of his position. Mr. Miller responded that all he knew of Plaintiff's situation was that Plaintiff had asked to reduce his business travel and that the GDS audit was being eliminated. Plaintiff explained to Mr. Miller that while it was true that he had asked for experience in other areas and to curtail his travel, Mr. Mike Schweitzer, who was to take over management of the audit, would not be required to travel. He also told Mr. Miller of his SPO interview in which it was clear that he was being interviewed with no real job in mind and of the threats from upper-level executives that had been relayed to him by Mr. Kingston. Plaintiff noted the irony that he had been asked by his management many times to remain in his GDS management position; yet, he found himself about to be forced out of it. He said that the whole scenario looked very similar to him to the way that Mr. McAleer had been mistreated for raising the very safety concerns of which Plaintiff had been complaining. In that meeting, Mr. Miller stated three times that he did not wish to know about Mr. McAleer. Plaintiff told Mr. Miller that Plaintiff had nothing to be ashamed of and he had done a very good job for GM, putting the company and its customers ahead of his own career and the image of higher executives. Mr. Miller conceded that from Plaintiff's salary and promotional history he had obviously performed well for the company.

49.

Also on December 10, 2001, Plaintiff learned that Mr. Schweitzer had stated that he wanted none of Plaintiff's personnel on the new SPA audit, because they might be "polluted" with Plaintiff's way of thinking (presumably identifying and addressing safety items).

50.

By December 12, 2001, GM admitted internally that since late September, it had identified nine new vehicles leaking fuel. It also recognized that the "posilock" connector system did not leak, while the quick connect system was unpredictably unreliable. It did not report these findings to NHTSA, and it did not redesign the fuel line system, despite a commercially feasible and safer alternative. Plaintiff is aware of these internal decisions as a result of his attendance of meetings with quality management in which these admissions were made on the part of General Motors.

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51.

On or about December 20, 2001, Plaintiff was informed by Mr. Mitch Thomas that Plaintiff would be in training for the first two weeks to one month in 2002, although the nature and structure of that training was to be determined and arranged during the first week of the New Year. Plaintiff had no prospective job assignment at the time he received these instructions.

52.

When Plaintiff returned to work on January 2, 2002, he had no job assignment. On January 3, Mr. Thomas sent out an email announcement that the GDS audit was to be discontinued. The email also announced Plaintiff's imminent reassignment to another position, although it was not identified.

53.

Also on January 3, Mr. Thomas met with Plaintiff and gave him a one-month training assignment with an eye towards making Plaintiff a Brand Quality Manager.

54.

By January 11, 2002, Plaintiff was still attending telephone conferences and meetings concerning vehicles in commerce with faulty fastener systems. He continued to have no potential job assignment.

55.

On January 15, 2002, Mr. Thomas informed Plaintiff that he was to be transferred to Brand Quality by February 15. Mr. Thomas could not identify a particular position into which Plaintiff would be placed.

56.

On or about January 31, 2002, Plaintiff attended a Quality Leadership meeting in which Peter Dersley stated that the GDS audit had been discontinued or changed to SPA because of the discrepancies in defect results reported by internal GDS and external contractor J.D. Powers. While Mr. Dersley complained about these discrepancies, he had been personally responsible for removing defect findings from the GDS audit data. In that meeting, Mr. Dersley responded to a question regarding inoperable brake lamps on new trucks that a GM employee finding such a defect should take such defect information higher and higher in the management structure of the company until the issue was resolved.

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This statement was, of course, inconsistent with Mr. Dersley's having certain documented defects removed from internal audit data historically, in Plaintiff's experience

57.

In early February of 2002, Plaintiff spoke with Mr. Dale Hall of GM's Field Product Evaluation division. Mr. Hall told Plaintiff that the fuel connection issue had gained significant momentum as a result of a Vehicle Line Executive having experienced a ruptured fuel line on his own company vehicle while driving on the interstate. According to Mr. Hall, that incident having occurred, the company began to take the fuel line connection situation seriously. Shortly thereafter, GM began to institute changes in the fuel line assembly systems of some vehicles, as well as a new inspection system.

58.

On or about April 11, 2002, Mr. Keith McKenzie, Director of Car Brand Quality, called Plaintiff in to his office to discuss purported changes in the Brand Quality Department. Mr. McKenzie informed Plaintiff that Plaintiff was to become Brand Quality Manager for the Chevrolet Cavalier and Mr. Steve Oakley, the Brand Quality Manager for Sunfire, would report to Plaintiff. Plaintiff was to report to Mr. Romeo, who would, in turn, report to Mr. McKenzie. Plaintiff asked Mr. McKenzie whether he was the only Level 8 employee reporting to another Level 8, and Mr. McKenzie said that that reporting structure would be common in the organization.

59.

On or about May 16, 2002, Plaintiff reviewed the organizational chart of the Brand Quality Department and realized that only he and one other Level 8 employee were assigned to report to another Level 8 manager. It became apparent to Plaintiff that he had been placed in a group of "problem" employees, especially given Mr. McKenzie's earlier statement to him that McKenzie intended to move Brand Quality employees he had hoped would retire but had not done so.

60.

On or about May 20, 2002, Plaintiff attended a Brand Quality Department meeting the subject of which was that three (3) seriously defective control arm assemblies had been identified from the Lansing

plant in the preceding three (3) months. Allegedly, the plant had investigated the problem and identified no explanation; however, no field action (i.e., recall) was recommended.

61.

In his new position as a Brand Quality Manager for the Chevrolet Cavalier, Plaintiff had occasion to continue to receive information on defects that were identified either in internal audits or at dealerships. While GM had recalled some vehicles in the spring of 2002 as a result of the systemic defective fuel line fasteners, Plaintiff was aware that others were being identified that were not targeted for recall.

62.

On or about June 17, 2002, Plaintiff submitted the following letter to Mr. McKenzie:

Keith,

It is my belief that General Motors is violating the law by not properly dealing with safety issues that are persistent and ongoing. I have spent several years trying to work through the system at General Motors to address these concerns with a goal of protecting our customers and stockholders. If these issues cannot be immediately remedied within General Motors I plan to seek out the proper legal entities to notify them of this situation.

Sincerely,

Courtland T. Kelley.

63.

When Plaintiff submitted his written complaint, Mr. McKenzie mentioned a former GM employee who had worked with brakes and what his safety-related complaints had done to damage his family and career. Plaintiff understood that Mr. McKenzie was referencing Mr. Ed Ivey.

64.

Mr. McKenzie requested that Plaintiff change his letter, and in response, Plaintiff sent the following on June 21, 2002:

Keith,

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It is my belief that General Motors is not properly dealing with certain safety issues that are ongoing and persistent. I have worked extensively within the system at General Motors to address these concerns with a goal of protecting our customers and stockholders. If substantive progress is not made within 60 days within General Motors I plan to seek out the proper law enforcement agencies to notify them of this situation.

Sincerely,

Courtland T. Kelley

DOCUMENTATION OF RECENT SERIOUS FASTENER FAILURES WAS ATTACHED TO PLAINTIFF'S LETTER, INCLUDING BUT NOT LIMITED TO MULTIPLE DETACHED OR MISSING FUEL LINE FASTENERS RESULTING IN FUEL SPRAYED AROUND OR BELOW THE VEHICLE WHILE BEING DRIVEN.

65.

ON OR ABOUT AUGUST 27, 2002, PLAINTIFF WAS CONTACTED BY MR. MCKENZIE AND MR. RON PORTER OF GM'S LEGAL DEPARTMENT, IN RESPONSE TO HIS LETTER OF JUNE 21. IN THAT CONVERSATION, MR. MCKENZIE WAS OBVIOUSLY ANGRY AND TOLD PLAINTIFF THAT HE SHOULD NOT BE CONCERNING HIMSELF WITH DEFECTS IN MODELS OTHER THAN THE CAVALIER FOR WHICH PLAINTIFF WAS PERSONALLY RESPONSIBLE AS BRAND QUALITY MANAGER. IN CONTRAST, MR. PORTER SAID THAT THE COMPANY'S POSITION WAS THAT IF ANY EMPLOYEE BECAME AWARE OF A DEFECT SITUATION, HE SHOULD BRING IT FORWARD TO MANAGEMENT. MR. MCKENZIE ALSO ATTEMPTED TO MOLLIFY PLAINTIFF BY STATING THAT THE COMPANY HAD RECALLED 100,000 VEHICLES BECAUSE OF THE FUEL LINE FASTENER DEFECTS. HE ALSO STATED THAT THE COMPANY HAD RECALLED AN ADDITIONAL 116,000 VEHICLES IN DIRECT RESPONSE TO PLAINTIFF'S VOICED AND WRITTEN CONCERNS. BECAUSE PLAINTIFF KNEW

THAT THESE LIMITED REMEDIAL MEASURES WERE GROSSLY INSUFFICIENT IN VOLUME AND TEMPORAL SCOPE, HE TOLD MESSRS. MCKENZIE AND PORTER THAT THERE WAS NOTHING ANYONE COULD DO TO KEEP PLAINTIFF FROM TAKING CARE OF THE FUEL CONNECTOR DEFECT PROBLEM.

66.

ON OR ABOUT OCTOBER 10, 2002, PLAINTIFF RECEIVED AN URGENT EMAIL FROM MR. MCKENZIE REQUESTING THAT PLAINTIFF CLEAR HIS SCHEDULE TO MEET WITH MR. BRAD FLOEN, EXECUTIVE DIRECTOR OF PROBLEM RESOLUTION, THE FOLLOWING MORNING. IN THEIR MEETING ON OCTOBER 11, MR. FLOEN TOLD PLAINTIFF THAT AT THE TIME HE HAD BEEN TRANSFERRED INTO BRAND QUALITY, MESSRS. FLOEN AND SEARS HAD AGREED THAT IF MR. FLOEN DEVELOPED ANY CONCERNS ABOUT PLAINTIFF, HE WOULD HAVE THE OPTION OF TRANSFERRING PLAINTIFF BACK TO MR. SEARS' GROUP. MR. FLOEN TOLD PLAINTIFF THAT HE WAS TO BE IMMEDIATELY TRANSFERRED TO VEHICLE DEVELOPMENT PROCESS QUALITY ASSESSMENT, AND HE HANDED PLAINTIFF A SLIP OF PAPER BEARING THE IDENTITIES OF PLAINTIFF'S NEW GROUP AND SUPERVISOR. PLAINTIFF ASKED MR. FLOEN WHAT HAD BROUGHT ABOUT CONCERN SUFFICIENT TO RESULT IN HIS TRANSFER, AND MR. FLOEN TOLD HIM THAT HE BELIEVED PLAINTIFF HAD FAILED TO FOLLOW PROPER PROCEDURES BY TAKING HIS CONCERNS ABOUT FUEL LINE FASTENERS TO THE APPROPRIATE BRAND QUALITY MANAGEMENT OR FIELD PRODUCT EVALUATION REPRESENTATIVE. PLAINTIFF TOLD MR. FLOEN THAT THIS ALLEGATION WAS UNTRUE; HE HAD TAKEN THE FUEL CONNECTOR ISSUE TO FIELD PRODUCT EVALUATION NEARLY A YEAR PREVIOUS, AND HE HAD DISCUSSED THE ISSUE WITH MR. DALE HALL ON A NUMBER OF OCCASIONS.

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67.

ALSO ON OCTOBER 11, PLAINTIFF MET WITH HIS NEW MANAGEMENT AND WAS GIVEN A VAGUE DESCRIPTION OF HIS NEW JOB RESPONSIBILITIES, ALLEGEDLY PARTICIPATING IN THE AUDITING OF VEHICLES IN THE DESIGN STAGE. SEVERAL DAYS LATER, PLAINTIFF MET WITH MR. FRANCIS DIAZ, QUALITY ASSURANCE MANAGER, WHO TOLD PLAINTIFF HE HAD ONLY A VAGUE IDEA OF WHAT IT WAS PLAINTIFF WAS TO BE DOING IN HIS NEW POSITION, AND HE HAD ONLY BEEN INFORMED OF PLAINTIFF'S TRANSFER A WEEK PRIOR. IN INTRODUCING PLAINTIFF IN THE DEPARTMENT, HE INDICATED THAT PLAINTIFF WAS ON "SPECIAL ASSIGNMENT" FOR SIX MONTHS TO A YEAR.

68.

Since Plaintiff's reassignment in October of 2002, he has had no real job responsibilities. He has been denied access to certain areas of GM's computer system, including its dealer complaint information regarding the ongoing fastener defect difficulties with which the company has continuously struggled..

69.

Since the GDS audit was replaced with SPA, the auditors have been instructed not to attempt to diagnose any noises they encounter during a drive, which is historically the manner in which GDS drive auditors identified critical safety fastener defects. As a result, no SQI's have been identified in the audit in several months, which is not to say that the defects do not exist and are not being shipped; GM is intentionally not finding them.

COUNT ONE

70.

Paragraphs 1 through 70 are incorporated herein by reference as if fully set forth and realleged herein.

71.

Defendant's conduct towards Plaintiff constitutes continuing violations of the Whistleblowers' Protection Act of the state of Michigan, Mich. Comp. Laws §15.362, et seq.

72.

As a direct and proximate result of Defendant's repeated violations of the Whistleblowers' Protection Act, Plaintiff has been damaged and is entitled to the relief set forth in the Prayer for Relief below.

PRAYER FOR RELIEF

NOW THEREFORE, Plaintiff prays that the following relief be granted:

a) That process issue;

b) That Defendant be served with Summons and Complaint;

c) That Plaintiff have and recover from Defendant back pay, benefits and interest;

d) That Plaintiff have and recover from Defendant front pay;

e) That Plaintiff have and recover from Defendant compensatory damages;

f) That Plaintiff have and recover his attorneys' fees and costs of bringing the instant action;

g) That Defendant be permanently enjoined from such tortious conduct in the future;

h) Any and all such other relief as this Court or the finder of fact may deem equitable and just.

PLAINTIFF DEMANDS A TRIAL BY JURY.

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By: _____

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Dated: January 9, 2003

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